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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,833	06/07/2000	RAJ BRIDGELALL	SYM-7	9487

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FISH & NEAVE  
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NEW YORK, NY 10020-1105

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/588,833

Applicant(s)

BRIDGELALL, RAJ

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12-19-03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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**EXAMINER'S RESPONSE**

1. In response to applicant's amendment filed 12-19-03, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

**Claim Rejections - 35 USC § 102 & 103**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 6, 9-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Scribner (US 4688026). Scribner discloses a location tracking method and system with an RFID/RFDC reader/transmitter 104 sending an interrogation signal to location tags (12, 14, 16, 18) functioning as markers. The reader/transmitter is associated with a unit 100 and/or a user shown in fig. 1. The user may be a nurse in col. 8 line 37 (step 30) or plant security personnel in col. 9 lines 30-35. The reader/transmitter receives and processes signals from the marker and supplied the codes to programmable data collection device 108 in the form of a Hand-Held Computer Terminal acting as a host processing the identity of the marker to determine

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location of the asset. See col. 4 line 17 - col. 5 line 6 and col. 7 line 1 - col. 8 line 60. Scribner interrogates multiple tags time sequentially in at least cols. 7-8.

4. Claims 1, 6, 9 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannon (US 5689238). Cannon discloses a location tracking method and system with a tag 15 attached to an object and sending interrogation to a location marker 32,32.

The tag can receive a signal from the location marker and send the signal to interrogator 20 or the location marker can send a signal to the interrogator that includes a processor 40 acting as a host processing the identity of the marker to determine location of the asset. See col. 2 line 1 - col. 4 line 33.

5. Claims 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Conway (US 5732401). Conway discloses a tracking system and method with locator tags 20 associated with each person and object tracked and RFID/RFDC reader 28 sending interrogation and receiving a response signal from tags in range, and processing the signals to determine the ID that is sent to host 30 for processing to determine location of assets (person or object). See col. 3 line 66 - col. 6 line 67.

6. Claims 23 and 25-27 are rejected under 35 U.S.C. 102([ ]) as being anticipated by Ayers (US 4143369). Ayers discloses an RF tag with at least two antenna (25, 26, 26a) and switching

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mechanism (24, 32) activated by remote signal 69 from radar 29 to switch between antennas. See col. 1 lines 19-53, col. 5 lines 41-47, col. 6 lines 19-23 and col. 8 lines 7-14.

7. Claims 3-5, 7-8, 11-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scribner (US 4688026) as applied above in combination with Sheffer (US 5515419).

Sheffer discloses a tracking system and method with cell phone and determination of closest marker by signal strength to determine location. See col. 3 lines 14-32, col. 6 line 46 - col. 8 line 40 and col. 21 lines 15-30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Scribner the cell phone and determination of closest marker by signal strength in Sheffer to determine location using existing networks such as cellular telephone networks. Regarding claims 4-5 and 12-23, a PDA or pager would have been a well known device for use with such an existing network suggested by the portable computer terminal of Scribner or the cellular telephone Sheffer. The examiner takes official notice that a PDA and pager are well known communication devices for such networks.

8. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scribner (US 4688026) and Sheffer (US 5515419) as applied above in combination with Lester (US

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3805265). Lester discloses a locating system using a pager. See col. 2 line 22 - col. 3 line 63, col. 5 lines 8-31 and claims 17-22. If a pager is not clear from the combination applied above then it would have been obvious in view of Lester disclosing us of a pager for locating persons or objects in a system that is simple in design, easy to manufacture and efficient reliable in operation.

9. Claims 18-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway (US 5732401) as applied above in combination with Sheffer (US 5515419). Sheffer discloses a tracking system and method with cell phone and determination of closest marker by signal strength to determine location. See col. 3 lines 14-32, col. 6 line 46 - col. 8 line 40 and col. 21 lines 15-30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Conway the cell phone and determination of closest marker by signal strength in Sheffer to determine location using existing networks such as cellular telephone networks.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers (US 4143369) as applied above in combination with Lester (US 3805265). Lester discloses a locating system using pagers and ultrasonic signals as an alternative to microwave or RF signals. See col. 2 line 22 -

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col. 3 line 63, col. 5 lines 8-31 and claims 17-22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included ultrasonic signals in Ayers in view of Lester disclosing us of a ultrasonic signals as an alternative to microwave or RF signals in communication with a pager for locating persons or objects in a system that is simple in design, easy to manufacture and efficient reliable in operation.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers (US 4143369) as applied above in combination with Casewll (US 4636950). Caswell discloses an inventory management and tracking system with plural RFID/RFDC devices located in sections of a warehouse and controlled by polling signals from host computer 70. See col. 17 line 19 - col. 8 line 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Ayers the features of Caswell in order to provide inventory management. Alternatively, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the in Caswell the tag with antenna switching mechanism of Ayers for simple antenna diversity switching.

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***Response to Arguments***

12. Applicant's arguments filed 12-19-03 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***CONTACT INFORMATION***

Information regarding the status of an application may be



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obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

**EH**  
**3/7/04**

**EDWIN C. HOLLOWAY, III**  
**PRIMARY EXAMINER**  
**ART UNIT 2635**